

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
JAMES A. SCHARF (CSBN 152171)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5044
FAX: (408) 535-5081
James.Scharf@usdoj.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GURMAIL S. BATH,)	Case No.	C 07 03521 JW
)		
Plaintiff)	DEFENDANT'S ADR CERTIFICATION	
)	AND ADR STATEMENT	
v.)		
)	CMC Date: January 17, 2008	
JOHN E. POTTER, POSTMASTER)	Time: 10:00 a.m.	
GENERAL, UNITED STATES POSTAL)	Department: 8	
SERVICE)	Judge: Hon. James Ware	
)		
Defendant)		

Pursuant to Civil L.R. 16-12, the undersigned certifies that he has read the brochure entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities and considered whether this case might benefit from any of them.

Defendant does not wish to engage in ADR at this time, as defendant is not aware of any information that suggests that it acted unlawfully. Defendant desires to complete basic discovery, including plaintiff's deposition, obtaining plaintiff's medical records, and perhaps having plaintiff examined by a psychiatrist, before defendant is in a position to discuss settlement. Pursuant to the Federal Rules, this discovery cannot be commenced until after the parties discuss a discovery plan in connection with the upcoming Case Management Conference.

1 After completion of said discovery, which should be completed within six months, Defendant is
2 willing to participate in a settlement conference before a Magistrate Judge or engage in whatever
3 form of ADR that the Court orders.

4 Plaintiff's counsel has made a settlement overture to defendant's counsel, which
5 defendant's counsel has communicated to its principal. Defendant is considering this proposal,
6 but it is unlikely that settlement can be actively explored until basic discovery is completed.

7 For all of these reasons, defendant requests that the ADR conference be continued for
8 approximately six months.

9
10
11 Respectfully submitted,

12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14 DATED: January 8, 2008

15 _____/S/
16 JAMES A. SCHARF
17 Assistant U.S. Attorney
18 Attorney for Defendant
19
20
21
22
23
24
25
26
27
28